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Of Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JAMES P. CHASSE, JR.; et al.,

Case No. CV-07-0189-HU

Plaintiffs,

vs.

MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION TO STRIKE THE
CITY DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

CHRISTOPHER HUMPHREYS; et al.,

Defendants.

For all of the following reasons, Plaintiffs' Motion to Strike the City Defendants' Motion for Summary Judgment and their supporting documents should be granted.¹

A. Failure to Confer Regarding City Defendants' Summary Judgment Motion

In violation of Local Rule 7.1 and despite the City defendants' representation to the Court

¹The "City defendants" include Defendants Christopher Humphreys, Kyle Nice and City of Portland.

that they conferred in good faith with counsel for plaintiffs on the motion before it was filed, as described below they did not. Declaration of Counsel in Support of Plaintiffs' Motion to Strike the City Defendants' Motion for Summary Judgment ("Stenson Decl") ¶ 3.

For this reason alone, the City defendants' summary judgment motion should be denied.

B. Failure to Submit Admissible Evidence with Citations to Record in Support of City Defendants' Concise Statement of Facts

No factual record has been submitted by the City in support of their summary judgment motion. Moreover, with no evidence in the record with which to cite to, missing from the City Defendants' Concise Statement of Facts is the required citations to supporting and admissible evidence in the record. Thus, in violation of Local Rule 56.1(c), the City defendants (Christopher Humphreys, Kyle Nice and City of Portland) failed to file a concise statement of material facts with citations to supporting and admissible evidence in the record. Stenson Decl ¶ 4.

Dated this 9th day of May 2008.

s/ Tom Steenson
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